

Message

From: Heidi Welborn [Welborn.Heidi@azdeq.gov]
Sent: 4/18/2018 10:52:45 PM
To: Ziegler, Sam [Ziegler.Sam@epa.gov]; Krista L. Osterberg [Osterberg.Krista@azdeq.gov]
CC: Goldmann, Elizabeth [Goldmann.Elizabeth@epa.gov]; Moffatt, Brett [Moffatt.Brett@epa.gov]; Hurd, Kathy [Hurd.Kathy@epa.gov]
Subject: RE: CWA 404 Arizona Assumption
Attachments: 2018-04-12 SB1493 CHAPTERED.PDF

Hi Sam,

I'm sorry I've been missing you by phone, and last week was basically a loss for business as usual for me. As such, you may know already, but the AZ 404 assumption legislation was signed last week by the Governor and the chaptered version is attached. I expect it to be effective in August and I don't anticipate the effective date to delay program development. Required modifications, however, would be something that could delay this process.

Thank you so much for the date by which to expect statutory review, June 1 (possibly sooner). We will appreciate your feedback and it will definitely inform how we move forward.

And yes, regarding the first scheduled Corps process meeting, we needed to get started on mapping the process as quickly as possible so we did schedule it for next week. The intent is for it to be more of a high level understanding meeting regarding the Corps processes for the following Corps products:

- Preliminary JD
- Approved JD
- Individual Permit
- Letter of Permission
- General Permits (nationwide)
 - Issuance/development of permit (is the branch involved in development?), and
 - coverage under it
- Regional Permits
 - Issuance/development of permit
 - Coverage under it
- Mitigation determination (part of permitting process, but perhaps, if it is the same for all permits, we should pull this process out and discuss separately)?
- Enabling Instrument development
- Any credit tracking products, if time
- If time, enforcement processes

We'd be happy for EPA to join the Corps mapping process on the 25th by phone (or WebEx), and I can send information if you're interested (do you have preference for just a call-in vs. trying to position a laptop in the room?).

Our intention is to also hold a subsequent meeting to review the process with multiple parties (e.g. you, Game and Fish, Fish and Wildlife....etc.) but I we'll have a better idea of details on that once we have this initial process mapping meeting and we'll need to make contact with those parties for availability, as appropriate. That second meeting would likely delve into more detail regarding any identified process problem areas and touched time vs. elapsed time.

Thanks so much,

Heidi M. Haggerty Welborn
Water Quality Division Legal Specialist

Arizona Department of Environmental Quality

Haggerty.Heidi@azdeq.gov

602-771-4815

From: Ziegler, Sam [<mailto:Ziegler.Sam@epa.gov>]

Sent: Tuesday, April 17, 2018 11:45 AM

To: Krista L. Osterberg <Osterberg.Krista@azdeq.gov>; Heidi Welborn <Welborn.Heidi@azdeq.gov>

Cc: Goldmann, Elizabeth <Goldmann.Elizabeth@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>

Subject: RE: CWA 404 Arizona Assumption

Hi Krista and Heidi:

We have initiated the review of the AZ assumption legislation that recently passed the state legislature, as you requested. Our aim is to have comments to ADEQ no later than June 1, and possibly sooner.

I know from talking to my Corps colleagues that you are planning to meet with them on 4/25 to do process mapping for 404 permitting. I understand and appreciate that your plan is to meet with the Corps for this process mapping exercise, rather than also including EPA. That said, I'm wondering if there are plans to discuss the process mapping with EPA as a next step. We can provide input from EPA's experience and it would help us establish a common understanding of the current permitting process. Without a finer grain understanding of the your schedule/game plan, I continue to want to make sure that we plug in at the right time to help with your ambitious goal to get us an approvable submittal package in a year. I look forward to hearing more regarding your thoughts and plans.

With regards,

Sam Ziegler

Chief, Wetlands Section

U.S. EPA Region 9, Water Division



United States Environmental Protection Agency

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R9 Wetlands: <https://www3.epa.gov/region9/water/wetlands/index.html>

R9 Watershed Priorities: <http://www.epa.gov/region09/water/watershed/index.html>

From: Heidi Welborn [<mailto:Welborn.Heidi@azdeq.gov>]

Sent: Thursday, April 5, 2018 10:15 AM

To: Ziegler, Sam <Ziegler.Sam@epa.gov>

Cc: Goldmann, Elizabeth <Goldmann.Elizabeth@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Krista L. Osterberg <Osterberg.Krista@azdeq.gov>; 'Regula, Ryan' <Ryan.Regula@azag.gov>

Subject: RE: CWA 404 Arizona Assumption

Hi Sam,

If you want to propose a date out a month or two, that's perfectly fine. It would just be good to get a date on the calendar so I can make sure it's scheduled it before it falls off my radar amid other tasks.

The legislative process should be no more than a week or two from now and I don't expect the language to change except for that minor amendment we previously discussed (that ADEQ will write rules for situations in which an in-lieu fee sponsor refuses to sell credits to a permittee).

Thanks!
Heidi

From: Ziegler, Sam [<mailto:Ziegler.Sam@epa.gov>]
Sent: Thursday, April 05, 2018 9:52 AM
To: Heidi Welborn <Welborn.Heidi@azdeq.gov>
Cc: Goldmann, Elizabeth <Goldmann.Elizabeth@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: CWA 404 Arizona Assumption

Hi Heidi: Thanks for the heads up on the House vote today. In regard to your request for a formal review of the legislation, we are looking into our timing. I discussed your request with Brett yesterday and mentioned this to Kathy on earlier this week. Brett is conferring with his HQ counterparts so we can figure out a timeframe. Review involves HQ and R9 attorney's and program staff, so we need to align availability. I will get back to you ASAP with a plan. I do wonder what you think about waiting until the leg is all done, since that doesn't seem so far off? I'm thinking our team may think the same way so it would be good to know more in terms of your timing needs. Thanks!

Sam Ziegler

Chief, Wetlands Section
U.S. EPA Region 9, Water Division



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R9 Wetlands: <https://www3.epa.gov/region9/water/wetlands/index.html>
R9 Watershed Priorities: <http://www.epa.gov/region9/water/watershed/index.html>

From: Heidi Welborn [<mailto:Welborn.Heidi@azdeq.gov>]
Sent: Thursday, April 5, 2018 7:46 AM
To: Goldmann, Elizabeth <Goldmann.Elizabeth@epa.gov>; Ziegler, Sam <Ziegler.Sam@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Krista L. Osterberg <Osterberg.Krista@azdeq.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; 'Regula, Ryan' <Ryan.Regula@azag.gov>
Subject: RE: CWA 404 Arizona Assumption

Hello all,

As an update, the 404 AZ assumption bill should be up for a vote today in the House. I expect there may be a couple of amendments proposed. The floor agendas will start debate and vote at 10:00 am MST and are available to watch live on the House website here. The 404 bill is the second agenda of the day.

Also, Sam, continuing our conversation from last Thursday, do you think you could propose a date by which your team will review the legislation in-depth? We can discuss your team's comments in one of our recurring meetings.

Thank you so much,

Heidi M. Haggerty Welborn
Water Quality Division Legal Specialist
Arizona Department of Environmental Quality

Haggerty.heidi@azdeq.gov

602-771-4815

-----Original Appointment-----

From: Heidi Haggerty

Sent: Monday, January 22, 2018 2:49 PM

To: Heidi Haggerty; 'Goldmann, Elizabeth'; 'Ziegler, Sam'; 'Moffatt, Brett'; 'Speir, Jeffrey'; 'Kupchan, Simma'; Krista L. Osterberg; Hurlid, Kathy

Subject: CWA 404 Arizona Assumption

When: Occurs every 2 week(s) on Thursday effective 2/1/2018 from 11:00 AM to 12:00 PM (UTC-07:00) Arizona.

Where: 5430C - EPA by phone - see call-in below

This is a standing meeting to discuss and facilitate Arizona's potential assumption of the CWA 404 dredge and fill program.

You may call in at the number below:

Ex. 6 Personal Privacy (PP)

Thank you,

Heidi M. Haggerty Welborn

Water Quality Division Legal Specialist

Arizona Department of Environmental Quality

Haggerty.heidi@azdeq.gov

602-771-4815